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Ambassador Robert D. McCallum, Jr.

MEDIA ROUNDTABLE

CANBERRA

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McCALLUM: My name's Robert McCallum, and I'm the new Ambassador for the United States of America to the Commonwealth of Australia. I want to introduce to you my wife Mimi who is here with me today, and I'm looking forward to trying to field and respond to any questions that you might have for me. So, who wants to start off?

QUESTION: Why did it take so long for you to get here?

McCALLUM: Well, I would, I have facetiously responded to that on a number of occasions by saying it was because President Bush wanted to pick the person that he would think would be the most enthusiastic and energetic in coming to Australia, and that I certainly qualify on both enthusiasm and eagerness to get going in this very important work of continuing the close relationship and cooperation with

one of our most significant allies in the entire world.

I think the real answer to that, as to why it takes so long, is the matter of the confirmation process, and we have a significant and important check and balance in our Constitution that requires the advice and consent of the Senate, and so at a minimum it takes four to five months, and it did in my circumstances. It oftentimes takes longer, and it's a process in which someone has to submit themselves to all sorts of public disclosures and divest themselves of investments, things of that nature. Resign from boards, and many people find that to be burdensome. The Senate takes its responsibility seriously, as well it should, because it is a serious responsibility, and it's just one of those processes that we Americans think are very important, that are in our Constitution, and that's why it takes longer than what people outside of the United States normally think should be the case.

QUESTION: So what are your priorities, Ambassador, and the President's priorities in building relationships?

McCALLUM: Well, the things that I have focused on are in terms of priorities are three, and have asked my embassy staff and consular staffs in Perth and Melbourne and in Brisbane to give me their views as well. But there are three things that I am focused on. The first of those is the support, maintenance, and I hope the enhancement of the close relationship that exists between the United States and Australia in military and intelligence matters. We are involved in a war on terror, and we have extraordinarily close cooperation between our two countries, and that needs to continue for the national security not just of the United States but

for stability in this region and stability on a global basis. So that is my highest priority. The second area in which I am interested and feel has to be a significant priority for the United States and its Ambassadors is the Free Trade Agreement between the United States and Australia, which just presents tremendous potential for both the United States and Australia in terms of increased trade, reduction of 90% or the elimination of 90% of the tariffs that exist between our two countries, but it's a benefit in terms of the trade between our two countries, but it's also a benefit for consumers in our two countries in that they will have access to a competitive process that will result in their having better goods available to them for consumption at lower prices. And it affords the potential for increased economic prosperity in the entire region, and the consequences of that for other nations that are in the East Asia-Pacific Island theatre. So that's the second area that I'm most interested as a priority.

The third area is what I will call public diplomacy. There is from the first question of "Why did it take so long?" a misperception that the relationship with Australia is taken for granted somehow within the United States or the United States government, and nothing could be further from the truth. So I want to stress, not just here in Canberra and not just in other areas, but throughout the Australian continent the significance of the relationship and the views of the United States that it has with Australia. There is no more significant ally and partner in the globe, in the world. So I have been to Sydney last Friday, I'm going back to Sydney this Thursday/Friday, I will be in Perth the week after that. I'm going to Melbourne and to Adelaide, Brisbane, and to Cairns, and so within the first five weeks. I want to get around this large continent and make certain that people appreciate how

significant we in America view this relationship.

QUESTION: When you say you have a no more significant ally in the world, are you putting that on par with the alliance with Britain and what you're saying is that Australian alliance is above that?

McCALLUM: No, I'm not saying that the Australian alliance, there are a certain few nations with whom we have extraordinarily close relationships and Australia is one of those few. Britain is certainly another, so one would not say we value one ally more than another, but Australia is certainly among those very very few that we value, we absolutely, in the highest.

QUESTION: Ambassador, the David Hicks saga is almost a joke, he's been locked up in Guantanamo Bay for five years, still to face trial. What is the way forward in the Hicks case, and is it true that under the system being put in place, he could face the death penalty?

McCALLUM: Let me reply to the second question first, and that is he will not face the death penalty. Attorney General Ruddock has been in conversations on a number of occasions with United States Attorney General Alberto Gonzales, and there have been certain assurances given to the Attorney General and to the Prime Minister, Prime Minister Howard, about the death penalty. He will not face the death penalty in the military commission of proceedings that he faces.

The first question, which I'll now answer second, is where do we go from here. As you know the United States Supreme Court overruled the Court of Appeals of the District of Columbia, the Circuit Court in the District of

Columbia, by a narrow vote and determined that the military commission procedures that were in place were inappropriate, and that Congress needed to address that. The Administration has made proposals to Congress, Congress has made its own proposals.

In September there will be no doubt debate, we hope action by Congress, but at some point Congress will act and determine a process in which military commissions can go forward to prosecute enemy combatants who are accused of war crimes, and Mr Hicks will be subject according to his current status to such a military commission proceeding at that point. He will be represented by counsel, he will have the opportunity to confront witnesses, unless there are national security issues that preclude such things, so that proceeding will go forward if and when Congress acts as part of our legal process in defining exactly what the proceedings must be for those military commissions.

QUESTIONS: So he's going to be locked up for a long while yet, then.

McCALLUM: I think in any sort of war crime proceeding that he will be, he will be detained and he's represented by counsel who are and have pushed forward issues relating to the process that he faces, and that's one of the consequences of our rule of law in the United States, that we want to get this right, we want to afford him due process in accordance with the congressional mandate, whatever that may be, and so he will remain as far as current status is, he will remain detained until those issues are determined by the United States Congress.

QUESTION: Is the Administration at all troubled by the fact

that he's locked up, hasn't faced a trial, and is going to be locked up for a long while yet. Is that the rule of law?

McCALLUM: Yes, that is the rule of law under the architecture that exists for military commissions trying war criminals or alleged war criminals, and it is not at all unusual or unprecedented for such individuals to be detained pending the military commission outcome. There's another aspect, and you'll forgive me but you are asking these questions of a lawyer so you're going to get more information than you want, need, or desire, but there is also I think the issues concerning international law, established international law, that allows the detention of enemy combatants during the course of the hostilities. There is no dispute that Mr Hicks was detained and captured in Afghanistan, and so I don't think there is any dispute about him being an enemy combatant in that sense. The real issue regarding military commissions, however, is the issue of his commission of war crimes for which he would be subject to certain penalties, but not the death penalty.

QUESTION: Ambassador, as a lawyer concerned with due process, why don't you share the concerns of the American Bar Association, (*indistinct*), the Australian Bar Association have about due process and these military commissions. Hick's lawyer Mori has been out here and has argued further that these are really "kangaroo courts" designed to get a conviction, and that the fair thing to do would be to put him before a court martial ...

McCALLUM: I don't accept in any way, shape, or form your view that these are "kangaroo courts," as the United States Congress

will determine the appropriate procedures to be followed, he will be represented by counsel. There is, will be more due process afforded to him than in any other military commission proceeding in history, and that includes the proceedings after the Second World War and other proceedings that relate to war crimes. The record of the United States and the respecting of the rule of law is better than any country in the world, and we are extraordinarily proud of it and should be, so there is no basis, no basis whatsoever in my mind, to assert that there is a disregard. What does occur is what we in the United States, again from a lawyer's perspective, think is important and that is a robust and vigorous debate where people can say what they want about what the rule of law requires, and through that process we ultimately come to a decision of the United States Congress, because they will pass at some point a bill that defines these processes and they will be followed in the United States, so I think it is a misconception that there is a disregard for the rule of law, even if there are others who comment about they would do it in a different way.

QUESTION: But doesn't the rule of law demand speedy justice, and this has gone on and on and on...

McCALLUM: The rule of law, international, established law, the law of war, allows the detention of enemy combatants during the course of the hostilities. There is still a war on terror.

QUESTION: Ambassador, if Australia were to express the same reservations as the other paramount ally of the United States, Britain, about Guantanamo Bay and the practices there, would you be prepared, would the United States be prepared to return Hicks as indeed other

detainees have been returned...

McCALLUM: I'm not going to speculate on "What if this?" "What if that?", speculation in those regards is totally unproductive and really is of no value either to you or to the government of Australia, so I think it's totally inappropriate to speculate in that particular area.

QUESTION: Ambassador, what sort of positive message can you give Australians about what is going on in Iraq at the moment?

McCALLUM: Well, I think the President has expressed it time and again, and that is that we are in Iraq for the purpose of establishing a viable government in Iraq that will support world peace and peace in the Middle East, and the President recently at his press conference acknowledged that these are difficult times, this is not an easy task, but it is one which to he is totally committed. And he expressed that. And that is the positive message, that we are going to continue our efforts in order to advance peace, to restrict and prevent, interdict terrorist activities, and Iraq is a central part of that effort.

QUESTION: Are you worried that the AWB paid bribes to Saddam?

McCALLUM: I think the Cole Commission, let me just put it this way, the United States is very impressed that the Commonwealth of Australia has established an independent commission, the Cole Commission, to look into that issue, and we await the results of their investigations after the United Nations Volcker Commission raised this issue, so we anticipate that there will be a report coming out within the

next few weeks, during the month of September is what we understand is sort of the time frame that the Cole Commission is looking at, and we're going to look and review that report when we receive it.

QUESTION: Does the Administration support the class action being taken by some wheat producers in the United States for damages against the AWB?

McCALLUM: In the United States, we've just had a question about how we ignore the rule of law and how we don't have respect for the rule of law. In the United States people can sue for all sorts of different things, that's a private law suit and the United States government is not involved in that law suit and doesn't take a position on that law suit. So we do believe in the rule of law and that's one of the rights that you have in America, and that is to bring law suits and to assert claims, and if there's any merit in it then I'm confident that the courts will address the merit, if there's no merit in it then I'm confident the courts will address the lack of merit.

QUESTION: Does the AWB kickback scandal have the potential to damage relations between Australia and America?

McCALLUM: Well again that's a question about speculation and you're in as good a position to speculate on that as I am. We'll await the Cole Commission and then determine what the Cole Commission has to say about it.

QUESTION: Ambassador, you said your third priority was public diplomacy ...

McCALLUM: Yes.

QUESTION: Your predecessor certainly took public diplomacy to the point of advocating for the United States which did get him into trouble from time to time. Are you prepared to take that public diplomacy to the extent of commenting on politics if you believe that it involves the interests of the United States?

McCALLUM: Well, I don't necessarily accept that Ambassador Schieffer was in any way trying to interfere with the internal politics of the Commonwealth of Australia, and it is not my purpose or my goal to do that in any matters. What I view is my role is that I am an advocate for the interests of the United States, so when I am asked a question, unfortunately again I refer to my lawyer background, I will bring to it an advocate's zeal to express the interests of the United States, I view it as a different forum, I view it as a different venue, I used to do it in the courts of the United States, in regulatory proceedings within the United States. Now I'm doing it in the court of public opinion and part of that venue, the court of public opinion, is the Commonwealth of Australia. So I look forward to doing that, but not to the extent that I could be construed as trying to interfere or influence with anything that has to do with the internal political process within the Commonwealth of Australia.

QUESTION: So Ambassador Schieffer was personally close to the President, and I think that's one of the reasons he did get involved in Australian politics because he thought President had been insulted. You went to Yale with the President, how would you describe your relationship with him?

McCALLUM: I can describe it from my side of the equation. I've known him since he was 19 years old, he was one of my best friends in college. When he was travelling back to Texas one time he stopped at my parent's house in Memphis, Tennessee, and visited on the way home from college. When he and Laura were married they came through Atlanta, Georgia, where I was a young practicing lawyer and stayed with us the evening and I was able to introduce them to and have a dinner for them for mutual friends from college and others that he knew in Atlanta. I've supported him in every campaign that he has ever run including his unsuccessful run for the House of Representatives when he was very, very young, and I view him as a very close personal friend over the years, someone that I've always admired and had great affection for.

QUESTION: Ambassador, you spoke earlier with some enthusiasm about the Free Trade Agreement between the United States and Australia. Have you given up on Doha, and do you prefer bilateral agreements to global agreements?

McCALLUM: No, the question is not preference between bilateral and multilateral agreements because both can be very, very productive and effective. The United States has not given up on Doha, Secretary Johanns, the Secretary of Agriculture of the United States, and the United States Trade Representative Ambassador Susan Schwab will be in Cairns in September and intend to continue pursuit of the goals that were not achieved at Doha and to attempt to revitalize that. So we don't view that as being a dead issue in any sense of the word. It's been unsuccessful up to this point obviously.

QUESTION: Does that revitalization include any new offers from the United States in Cairns...

McCALLUM: That will be determined at a forum, a fair way to say that is again that's yet to be determined, that would be speculation and the United States made some very significant proposals at the Doha round, they were not reciprocated by the European Union and by Japan or others in terms of a ongoing negotiation, and so it's a situation in which one needs to have a dialogue about where we go from here and how we provoke that sort of give-and-take negotiation.

QUESTION: Labor's policy to withdraw Australian troops out of Iraq, what implications would that have in these (*indistinct*) after next year?

McCALLUM: I mean that is again speculation as to what if, what if, what if, and I'm not going to engage in speculation about that. All I can say is that the relationship that the United States has with Australia is as I've mentioned previously, one of the most important relationships no matter who is in government in the United States, no matter who is in government in Australia. And we have and share such common values on so many different things, and we have and share so many significant relationships on all sorts of different levels, that the relationship between Australia and the United States no matter who succeeds President Bush, no matter who succeeds Prime Minister Howard, as one presumes eventually that will occur on both sides, on both sides of that equation, then we'll still have a very close cooperative relationship with one of the United States' most significant ally.

QUESTION: How much of a priority then is it for you to reassure yourself about relations with the Labor Party, the alternative Government, and would you be seeking to convince Kim Beazley to change his mind about withdrawing troops from Iraq?

McCALLUM: It's not an issue for me to be debating with Mr Beazley the internal positions that he thinks are appropriate, and the thing is that I am definitely going to reach out to Mr Beazley and others in the Labor Party, and I'm attempting to schedule meetings with him and others in a number of different political parties because the relationship is so significant. And that is the same for Australian representatives within the United States, they don't just talk with members of one party or another. We need in the United States to know the positions of all of the significant political figures and make sure that the United States is aware of them and that those political figures in Australia feel comfortable about expressing their opinions through the United States representative, that would be me, and making sure that they are heard at the highest levels of the United States government and that is the charge that I've been given by the President and by the Secretary of State and I intend to fulfil it.

QUESTION: One of the areas of difference between Australia and the U.S. is the relationship with China. What do you think of that?

McCALLUM: I don't necessarily feel that I can respond to such a broad and general statement as to isn't there a difference of position regarding the United States and China, and Australia and China. China is clearly a significant trading partner for Australia, but the United States is also very interested in international trade with China and we look forward

to working with Australia, and regarding its relationships with its trading partners in this region, as well as working with Australia regarding the United States' trading partners in this region.

QUESTION: You said that you wanted to enhance the military and intelligence relationship. How exactly do you want that to happen?

McCALLUM: Well, there are a number of things that are going on that are well known to you, the Joint Strike Fighter program is one area, there are also issues that we're making progress on that relate to the international trade in arms regulations in the United States to assure Australia that it is able to maintain and support military equipment that is bought from the United States. And those are the sorts of things that I will be working on to make sure that Australian views are well known to those in the United States military and the United States government.

QUESTION: Does that enhancement include having U.S. troops based in Australia?

McCALLUM: Again that's speculation, there are already within Australia United States military personnel that liaise with Australian military personnel and we'll certainly continue to do that. And there are also United States military vessels, aircraft carriers, etc., that come to Australia and port at Perth or other areas around Australia, and enjoy the hospitality of the Australian people, so those sorts of things will certainly continue.

QUESTION: When you are reaching out to Australian politicians, presumably you'll be meeting Bob Brown, the leader of the

Greens?

McCALLUM: I have not set my schedule and I don't want to presume that Mr Green will necessarily... or Mr Brown of the Green Party, Mr Green of the Brown Party, will necessarily accept a courtesy call from me, but I intend to reach out to a broad spectrum of different political parties within Australia. And I apologize to Mr Brown for having misspoke and called him Mr Green, although he may feel that he is Mr Green and would like to be known as that.

QUESTION: Will you be making yourself available to meet and if so what would be your message about Iraq to Senator Brown?

McCALLUM: Well, I don't know that I will be sending messages to political figures within the panorama of Australian politics. Mr Brown certainly knows what the position of the United States is on Iraq. What we may talk about is what his views are so that the United States knows what his views are, and not just on Iraq but on a number of different issues that he thinks are important for us to consider.

QUESTION: So more broadly, how important do you regard Australia's continued presence in Iraq?

McCALLUM: Well, the President has talked with Prime Minister Howard on a number of occasions and expressed his gratitude for the positions that have been taken, and the members of the Australian military who have been in Iraq have done tremendous service. They have done a training matter in Iraq where they have been able to turn over to the Iraqi government the responsibilities in a particular province there, so that

it has been a resounding success for the goals and aims of the Australian involvement. What they intended to accomplish they have accomplished and the United States is most grateful for that.

McCALLUM: One more.

QUESTION: On the Free Trade Agreement, you mentioned that there is great potential. What areas would you like to see greater access to (*indistinct*) Australia, does that include pharmaceuticals, and what do you say (*indistinct*) for Australian sugar in the US?

McCALLUM: Yes there are a number of different issues that are going necessarily to be addressed as Australia and the United States move forward regarding the Free Trade Agreement. You've mentioned one, pharmaceuticals, you've mentioned another, sugar. There are also issues regarding intellectual property rights that are going to necessarily be addressed between Australia and the United States. There are issues regarding professional qualifications for lawyers, doctors, accountants. There are issues regarding financial regulation requirements in the United States for publicly listed companies and for financial institutions. All of those are issues that are, you know, going to be at some point discussed and debated and negotiated between Australia and the United States as we focus on the implementation of the Free Trade Agreement. Where those negotiations ultimately come out, where the implementation ultimately occurs, is again a matter of speculation.

QUESTION: So some things are still on the table as far as (*indistinct*) America is concerned...

McCALLUM: I can certainly say that I have had pharmaceutical companies after I was confirmed by the Senate to contact me and say we are very interested in the innovation of pharmaceuticals in, or the accessibility of innovative pharmaceuticals to an Australian market. So it is something about which I have had contact by American companies raising that issue on my radar screen as something that they wish for me to discuss.

Thank you so much, I just appreciate you all coming. There will be some more coffee and munchies in the dining room. I'm going to have to run probably to a 10.30 meeting that I've got down in the Chancery, but I have 10 minutes or so before I have to flee in that direction, and would appreciate the opportunity to continue our conversations in there.

Thank you.

END OF TRANSCRIPT